

PATENT  
Appl. No. 09/728,800  
Attorney Docket No. 450117-02961

### REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-5, 8-15, and 18-21 will be pending. As shown above, claims 1, 4-5, 8-11, 14-15, and 18-19 have been amended, claims 6-7 and 16-17 have been canceled, and new claims 20-21 have been added.

#### Objections to the Specification

In Section 3 of the Office Action, the Examiner has objected to the Specification. As noted above, the Specification has been amended (see the section "IN THE DESCRIPTION"), thereby obviating these objections, and so it is respectfully requested that these objections be withdrawn.

#### Objection to Claim 10

In Section 4 of the Office Action, the Examiner has objected to claim 10, as being of improper dependent form. As noted above claim 10 has been amended, clarifying the specific implementation of the method called for in claim 5. Accordingly, it is submitted that claim 10 is narrower than claim 5, in that claim 10 requires a specific implementation. Therefore, it is respectfully requested that this objection be withdrawn.

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Objection to Claims 1 and 11

In Section 5 of the Office Action, the Examiner has objected to claims 1 and 11 because of informalities. As noted above, claims 1 and 11 have been amended, thereby obviating these objections, and so it is respectfully requested that these objections be withdrawn.

§112 Rejection of Claim 10

In Section 6 of the Office Action, the Examiner has rejected claim 10 under 35 U.S.C. §112, second paragraph, as being indefinite. As noted above claim 10 has been amended, thereby obviating the rejection of claim 10, and so it is respectfully requested that this rejection be withdrawn.

§102 Rejection of Claims 1-19

On page 4 of the Office Action, the Examiner has rejected claims 1-19 under 35 U.S.C. §102(b) as being unpatentable over Misra et al. (U.S. Patent 5,757,920; hereinafter referred to as "Misra"). This rejection is respectfully traversed below.

Regarding claim 1, as shown above, claim 1 has been amended and calls for:

1. (Currently Amended) Method for the authentication of data communicated from an originator to a destination,  
wherein a keyed hashing technique is used, according to which data to be authenticated is concatenated with a private key and then processed with a cryptographic hash function and the data are transmitted together with the digest of the hash function from the originator to the destination,  
characterized in that  
the data comprises temporal validity information representing the temporal validity of the data;  
the originator receives an acknowledgement key from the destination, wherein the acknowledgement key includes a time stamp; and

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the originator verifies the acknowledgment key on the basis of the time stamp and the temporal validity information.

Accordingly, in one aspect of claim 1, the originator sends data to the destination including temporal validity information. The originator receives an acknowledgement key from the originator and that acknowledgement key includes a time stamp. The originator uses the time stamp in the received acknowledgement key and the temporal validity information to verify the acknowledgement key. The temporal validity information is used twice in claim 1 by the originator: included in the data sent to the destination, and used to verify the acknowledgement key. Furthermore, the originator uses both the temporal validity information and the time stamp retrieved from the received acknowledgement key. In this way, the destination does not need to send back the temporal validity information, and the originator and the destination can advantageously use the same temporal validity information to verify data.

Claim 1 has been amended and the Examiner's arguments presented in rejecting claim 1 on page 4 of the Office Action do not appear to apply to amended claim 1. It does not appear that these arguments address the acknowledgement key and use of temporal validity information called for in amended claim 1.

In rejecting claim 7 on page 11, the Examiner appears to argue that it would be obvious to modify Misra with respect to a time stamp to meet claim 7. Were the arguments presented with respect to claim 7 applied to amended claim 1, it does not appear that those arguments would show claim 1 as a whole. In particular, the Examiner appears to argue that Misra shows including a time stamp in a logon certificate sent from a first system to a second system and so it would be obvious to use a time stamp when sending an acknowledgement key from the second system to the first system. However, the Examiner notes that Misra does not show an

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acknowledgement key including a time stamp. The Examiner argues that it would be obvious to add the time stamp because this time stamp would provide a second layer of assurance. It is submitted that this argument is too broad. It appears that this argument is based upon the idea that it would be obvious to apply a modification to the system of Misra if that modification would improve the system. Following that logic, it would then be obvious to apply any modification that is not detrimental. It is submitted that this motivation is not the specific motivation needed to make it obvious to modify the system of Misra in a specific way, especially when the Examiner has not established how that the specific modification is disclosed or suggested in Misra. Furthermore, even if the logon certificate in the referenced portion of Misra were sent back to the first system, that would be different from claim 1. In claim 1, the temporal validity information is sent from the originator to the destination and the time stamp is sent from the destination to the originator. The exchange of time related information is not symmetrical in claim 1 – different types of information are sent in the two directions. If the time information sent from the first system to the second system in Misra were sent back as suggested by the Examiner, it appears that the types of information exchanged would be symmetrical. That symmetrical exchange would be different from claim 1. Therefore, it is submitted that the Examiner's arguments with respect to claim 7 would not establish how it would be obvious to modify the system of Misra to meet amended claim 1.

Accordingly, it does not appear that the Examiner has established how Misra, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of amended claim 1, and so it is submitted that the Examiner has not established how Misra shows or suggests amended claim 1 as a whole. Claims 2-4 depend from claim 1, and it is also submitted that the Examiner has not established how Misra shows or suggests claims 2-4,

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through their dependence on claim 1. Similar arguments apply to claims 5, 11, and 15, and so to claims 8-9 that depend from claim 5, to claims 12-14 that depend from claim 11, and to claims 18-19 that depend from claim 15.

Regarding claims 6 and 16, as shown above, these claims have been canceled, thereby obviating the rejections thereof.

Regarding claims 7 and 17, it does not appear that the Examiner has provided a basis for rejecting these claims under 35 U.S.C. §102, but instead is rejecting these claims under 35 U.S.C. §103. Furthermore, claims 7 and 17 have been canceled. Accordingly, it is submitted that these rejections have been obviated.

Based upon the foregoing, it is submitted that claims 1-19 are not anticipated by nor rendered obvious by the teachings of Misra, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1-19 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 7-8

On Page 10 of the Office Action, the Examiner has rejected claims 7-8 under 35 U.S.C. §103(a) as being unpatentable over Misra. This rejection is respectfully traversed below.

Regarding claim 7, as shown above, claim 7 has been canceled, thereby obviating the rejection thereof.

Regarding claim 8, it does not appear that the Examiner has provided a basis for rejecting claim 8 under 35 U.S.C. §103, but instead is rejecting claim 8 under 35 U.S.C. §102. Accordingly, it is respectfully requested that this rejection be withdrawn.

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Based upon the foregoing, it is submitted that claims 7-8 are not anticipated by nor rendered obvious by the teachings of Misra, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 7-8 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Furthermore, it appears that the Examiner is rejecting claim 17 under 35 U.S.C. §103(a) over Misra as well. However, as shown above, claim 17 has been canceled, thereby obviating the rejection thereof.

#### New Claims

New claims 20 and 21 depend from claims 1 and 11, respectively. As discussed above, it is submitted that the rejections of claim 1 and 11 have been overcome. Therefore, it is submitted that claims 20 and 21 should be allowable.

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### CONCLUSION

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-5, 8-15, and 18-21 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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